

REMARKS

This communication is in response to the non-final Office Action issued August 1, 2003. The Examiner objected to the drawings. The Examiner objected to the written description. The Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner rejected claims 1, 2, and 6-8 under 35 U.S.C. § 103 in view of varying combinations of U.S. Patent Nos. 4,846,643 to Yamamoto *et al.* (Yamamoto), 3,973,097 to Rosenberg *et al.* (Rosenberg), 4,793,782 to Sullivan (Sullivan), 5,766,643 to Hammon (Hammon), 5,156,082 to Fukuda *et al.* (Fukuda), 4,842,502 to Tsumita *et al.* (Tsumita), 3,232,244 to Wallace *et al.* (Wallace), 4,404,487 to Nimura (Nimura), and 5,744,892 to Mukai *et al.* (Mukai). The Examiner indicated that claims 3-5 were allowable.

Drawings

In section 1 of the Office Action, the Examiner objected to Figures 16 and 23 as not having a legend such as "Prior Art."

Replacement sheets for Figures 16 and 23 are provided herewith. Each figure has been amended to include a "Prior Art" label as required by the Examiner.

In view of the foregoing, the Examiner's objection to the drawings are believed to be overcome.

Written Description

In sections 2-4 of the Office Action, the Examiner objected to the written description. Specifically, the Examiner objected to the abstract as being too long and page 2 for containing an informality.

Both of the Examiner's objections have been corrected above. Therefore, the Examiner's objections to the written description are believed to be overcome.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

In sections 5-6 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 8 has been canceled above, but the recitation "or alloy" has been added to claim 7. The written description has also been amended above at page 34. No new matter is added.

In view of the foregoing, the Examiner's rejection under 35 U.S.C. § 112, first paragraph, is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 103

In sections 7-23 of the Office Action, the Examiner rejected claims 1, 2, and 6-8 under 35 U.S.C. § 103 in view of varying combinations of Yamamoto, Rosenberg, Sullivan, Hammon, Fukuda, Tsumita Wallace, Nimura, and Mukai. The specific combinations of references and the claims to which they are applied are presented in the table below:

<u>Claim</u>	<u>Combination of References</u>
1	Yamamoto modified by Rosenberg

- 1 Sullivan modified by Rosenberg
- 1 Hammon modified by Rosenberg
- 2 Yamamoto modified by Rosenberg and Fukuda
- 2 Sullivan modified by Rosenberg and Fukuda
- 2 Hammon modified by Rosenberg and Fukuda
- 6 Yamamoto modified by Rosenberg, Tsumita, and Wallace
- 6 Sullivan modified by Rosenberg, Tsumita, and Wallace
- 6 Hammon modified by Rosenberg, Tsumita, and Wallace
- 7 Yamamoto modified by Rosenberg and Nimura
- 7 Sullivan modified by Rosenberg and Nimura
- 7 Hammon modified by Rosenberg and Nimura
- 8 Yamamoto modified by Rosenberg, Nimura, and Mukai
- 8 Sullivan modified by Rosenberg, Nimura, and Mukai
- 8 Hammon modified by Rosenberg, Nimura, and Mukai

In order to hasten the issuance of a Notice of Allowance and reduce the associated prosecution costs, claim 1 has been amended above to include the recitations of claim 3, which the Examiner has indicated is allowable. However, the Applicant respectfully traverses the Examiner's rejections of the claims and submits that the Examiner has not met the required burden of establishing a proper rejection under 35 U.S.C. § 103.

For example, the Applicant's invention, as described and claimed in claim 1, is not shown or even suggested by Yamamoto, Sullivan, and/or Hammon. These references merely disclose a cotton candy making apparatus having a tray that can freely be assembled to and disassembled from a main body, the cotton candy making apparatus having a main power supply switch at upper portion of the main body. These deficiencies are not remedied by Rosenberg, which merely discloses a switch adapted to be locked by being rotated in a predetermined direction of the main body.

Thus, the combination of references proffered by the Examiner fails to disclose or suggest, either alone or in combination, all of the claimed elements recited in original claim 1.

In view of the foregoing, the Examiner's rejection under 35 U.S.C. § 103 to the claims are believed to be overcome.

Allowable Subject Matter

In section 24 of the Office Action, the Examiner indicated that claims 3-5 were allowable. The Applicant appreciates the Examiner's indication of allowable subject matter.

Additional Fees

No fees are believed due in conjunction with this Response. However, the Commissioner is hereby authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 18920.0030).

Conclusion

Claims 3 and 8 have been canceled, and claims 1, 4, 5, and 7 have been amended. Thus, claims 1-2 and 4-7 are pending in the application, and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's objections and rejections of the claims are believed to be overcome. The Applicant respectfully requests reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further

communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,



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